COURTS

High court defense of gay rights law begins

Norton files first written argument

By **Angela Dire**
Gazette Telegraph

DENVER — Colorado Attorney General Gale Norton submitted her first written defense of Amendment 2 to the U.S. Supreme Court on Friday, urging the justices to uphold the "legitimate, prevailing preferences" of state voters.

"The intent and effect of Amendment 2 is to withdraw a deeply divisive social and political issue from elected representatives and place its resolution squarely in the hands of the people," says the state's 49-page brief to the court.

By late Friday, more than a dozen other groups also were expected to submit "friend of the court" briefs in support of Colorado's ban on gay rights laws. A month from now, another flurry of briefs is expected from opponents of Amendment 2 — including attorneys for the six individuals, three cities and one school district fighting to overturn the law.

After nine years of silence on gay rights, the nation's highest court decided last month to review the Colorado measure. The measure, passed by Colorado voters in 1992 but put on hold by the courts, would ban laws protecting gays from discrimination based on their sexual orientation.

The court will review an earlier ruling by the Colorado Supreme Court to strike down the law. The lower court ruled that Amendment 2 violates the equal protection clause of the United States Constitution.

It found that gays — and any "independently identifiable group" — have a fundamental right to participate in the democratic process on the same footing as other groups. Amendment 2 violates this right, the court argued, because it makes gays go through extra hurdles to achieve the same protections other groups can get simply by persuading their state legislature or local city council.

The state attorney general argues that the court's ruling lacks precedent, is too broad and would tie the hands of the state's electorate in many issues other than gay rights.

"The Colorado Supreme Court has created out of

See **AMENDMENT 2**/B2

Snow me faster than it can fall

Gazette Telegraph
and news services

The latest in a series of spring storms hammered Colorado's mountains and portions of the eastern plains with snow Friday, with as much as 8 inches of new snow reported in some areas.

Only lower areas of western Colorado escaped the latest sweep of a moisture-laden storm that has kept temperatures in the 30s and low 40s in the east and the 20s in the mountains.

Colorado Springs received 5 inches of snow Friday, but most of it melted — causing few, if any traffic problems, according to the Nation Weather Service and law enforcement authorities.

"It looks like it just warmed up enough to melt everything," said Don Burrill, a weather service meteorological technician. "It was kind of a strange situation. You'd swear it was almost like rain sometimes."

Burrill said today will be mostly cloudy, with periods of snow — much like Friday.

Snow advisories were issued along the Front Range, areas of the eastern plains and most mountain areas, including the Sangre de Cristo range in south central Colorado. About 8 inches of new snow had fallen in the Beulah area by midday Friday with a forecast of another 6 or 7 inches expected before today.

The storm kept traffic on Interstate 70 at a snail's pace in the mountains west of Denver with low visibility and slippery roadways reported at the Eisenhower Tunnel.

Light rain fell most of the day in Denver, where temperatures were in the upper 30s during the daylight hours. The rain was mixed with snow in western suburbs.

Accumulations of new snow from 5 to 10 inches were expected in the northern Front Range foothills by this morning.

Contract/R

From B1

wasn't awarded the contract, said David Hunsaker, an Options vice president.

"They're fighting a fairly desperate battle to overturn an award they're not happy about," Hunsaker said three weeks ago during an appeal hearing before state officials about how the contract had been awarded to Options. "They thought they had this thing wired."

After the for-profit Options won the contract, the nonprofit Pikes Peak urged thousands of residents to remind Gov. Roy Romer of his "Always Buy Colorado" pledge. At the organization's behest, hundreds of people have inundated the governor with letters, faxes and phone calls begging him not to award the contract to Options, said Jeanne Mueller, vice president of development at Pikes Peak.

"Everyone started calling and writing," she said. "We cranked out letters to everyone on our mailing list. We just told them what's going on and asked them to support us at this difficult time."

Pikes Peak's proposal was 50

Amendment 2/Foes unable to predict outcome

FI...N B1

whole cloth a new fundamental 'group right' not to be 'fenced out' from unfettered political participation at all levels of government," says the state's brief to the high court.

Opponents of Amendment 2 will argue that the Colorado court's ruling is rooted in two past U.S. Supreme Court decisions. In both cases, voters tried to set up extra hurdles for racial minorities seeking fair housing laws. And in both cases, the high court declared the laws unconstitutional.

But it's still hard to tell if the current court will accept that rationale in the case of Amendment 2, opponents acknowledge.

"You're dealing with judges who are not bound by their prior decisions," said Jean Dubofsky, chief attorney for the plaintiffs challenging Amendment 2. "Because this is such a differnt court than the court that decided the earlier civil rights cases, it's hard to know whether they'll follow those cases or whether you need to use a different argument."

THE ARGUMENTS

The state, which is defending the law, will argue:

- Gays and lesbians have no "fundamental right" to participate in the political process on an equal footing with other groups.
- Enforcing such a broad right would severely and unreasonably hamper the voting majority in exercising their will.
- Amendment 2 doesn't violate the equal protection clause because voters passed it for logical, nondiscriminatory reasons.

The plaintiffs, who are seeking to overturn the law, will argue:

- There is a fundamental right to participate in the political process, and the U.S. Supreme Court has recognized it in two previous decisions.
- There are ways to narrow this right so that groups won't be trying to overturn laws left and right that they don't like.
- Amendment 2 is unconstitutional because it singles out a group for no other reason than to discriminate against it.

t of paper, paint,
jects and do-
lay features
nated by Fort
owns a carpet

was threatened
gh, when fire of-
zard. Some of it
d or taken down
retardant helped
of the project —
sk.
worth the hassle.
nch of art pro-
teachers used
n other lessons. A
a display of a
ings complete
emblazoned with
k or Bust." The
d a desert with

lo was attach
here were descrip-
rite," said fourth-
a Hines. "In the
how all the work

An elaborate display of sea life adorns a hallway at Giberson Elementary School on Friday. Kindergartners put together the work with the help of materials and money donated through a program for the Kennedy Center Imagination Celebration.

came together."

Amy Poe, 9 and a third-grade student, is one of them. She not only learned about fish, but her cosmic-looking drawing of an amphibian won a state award and is now on a national tour with other Imagination Celebration artists.

"I think this is all exciting," she said.

IF YOU GO

WHAT: Open house for "Earth, Sea and Sky" exhibits.

WHEN: 6 to 7:30 p.m. Tuesday.

WHERE: Giberson Elementary School, 2880 Ferber Drive.